

REMARKS

I. Formalities

The Examiner has still failed to indicate whether the drawings filed on October 18, 2004 have been accepted. Therefore, Applicant respectfully requests that the Examiner approve the aforementioned formal drawings.

The Examiner has considered the references cited with the Information Disclosure Statements filed on 8/21/07 and 2/01/08, respectively.

II. Claim Rejections Under 35 U.S.C. § 103

The Examiner has maintained her previous rejections of claims 1-5, 10-11 and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,535,326 to Uno (hereinafter “Uno”) in view of U.S. Patent Publication No. 2002/0044333 to Shigehiro (hereinafter “Shigehiro”). The Examiner has also maintained her previous rejections of claim 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Uno, in view of Shigehiro, and further in view of U.S. Patent No. 6,774,879 to Miyamoto (hereinafter “Miyamoto”). Finally, the Examiner has rejected newly added claim 35 as allegedly being unpatentable over Uno, in view of Shigehiro, and further in view of Miyamoto. Applicant respectfully traverses all of these rejections for *at least* the reasons set forth below.

The Examiner was not persuaded by arguments that since Uno’s electrophoretic particles are dispersed in an insulating liquid, Uno’s electrophoretic particles cannot possibly fly as recited in claim 1. In response, the grounds of rejection acknowledge that Uno fails to teach or suggest particles that fly and move, as claimed. Nevertheless, the grounds of rejection allege that Shigehiro and Miyamoto teach a dry-type particle display with particles that fly and move.

Further, the grounds of rejection allege that it would have been obvious to modify Uno with the teachings of Shigehiro to arrive at the recitations of independent claim 1 for the purpose of obtaining an image display panel which does not easily cause image unevenness and maintains high contrast.

Applicant respectfully disagrees with the grounds of rejection. Contrary to the requirements of MPEP §707.07(f), the Examiner does not provide any response whatsoever to numerous traversal arguments advanced in the previous Amendment filed on November 13, 2007 regarding the rejections based on Uno and Shigehiro.¹ First, the Examiner does not provide any response to previous arguments that it would not have been obvious for one of ordinary skill in the art to further modify the teachings of Uno so that the electrophoretic particles therein “fly and move,” as claimed. Second, the Examiner does not provide any response to arguments that, if one were to modify Uno’s electrophoretic display device such that the electrophoretic particles were to “fly and move,” as claimed, then such a drastic modification would fundamentally change the principle of operation of Uno’s display device from an electrophoretic display device to a dry-type display device contrary to MPEP §2143.01. Third, the Examiner fails to provide any substantive response to arguments that the modification to Uno proposed by the grounds of rejection would render Uno’s purported invention unsatisfactory for its intended purpose. Therefore, Applicant submits that Applicant’s previous arguments remain un rebutted and that,

¹ MPEP §707.07(f) requires that “[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant’s argument and answer the substance of it” (emphasis added).

therefore, the current rejections based on Uno in view of Shigehiro are improper for *at least* the reasons already of record.

Additionally, Applicant submits that one of ordinary skill would have had no reason to look beyond the four corners of Uno's teachings to obtain an image display panel which does not easily cause image unevenness and maintains high contrast. Therefore, the purported motivation to combine these teachings relied upon by the grounds of rejection is unsupported. Indeed, a skilled artisan would have recognized that Uno's electrophoretic display device already achieves an image display panel which does not easily cause image unevenness and maintains high contrast. *See e.g.*, column 3, lines 58-65; column 2, line 46 – column 3, line 50. Accordingly, contrary to the grounds of rejection, a skilled artisan would not have had any reason to look beyond Uno's teachings to achieve this end.

Moreover, Applicant submits that the dependent claims 2-5 and 10-13 are patentable over the cited references *at least* by virtue of their dependency on claim 1.

Finally, with respect to claim 35, the Examiner acknowledges that neither Uno nor Shigehiro teach an image display device in which the particles are not dispersed in an insulating liquid, as claimed. Nevertheless, the Examiner alleges that Miyamoto teaches this feature and that it would have been obvious to combine Uno, Shigehiro and Miyamoto to arrive at the claimed invention for the purpose of obtaining an image display device, which is capable of displaying good contrast and high resolution, as allegedly taught in Miyamoto.

Applicant respectfully traverses the Examiner's rejection of claim 35 and submits that it would not have been obvious to modify the teachings of Uno and Shigehiro to achieve the claimed display device in which the particles are not dispersed in an insulating liquid for reasons

similar to those already discussed above. Indeed, such a drastic modification to Uno and Shigehiro would fundamentally change the principle of operation of Uno and Shigehiro from an insulating liquid type device to a dry-type display device contrary to MPEP §2143.01. Further, such a modification to Uno and Shigehiro would render both Uno and Shigehiro's purported inventions unsatisfactory for their intended purpose. Finally, a skilled artisan would have had no reason to look beyond the teaching's of Uno and Shigehiro to achieve an image display device which is capable of displaying good contrast and high resolution, since this objective had already been attained by Uno and Shigehiro.

Therefore, Applicant respectfully requests that the Examiner withdraw this rejection for *at least* the above reasons.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
Application No.: 10/511,626

Attorney Docket No.: Q84237

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

/ Andrew J. Taska /

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 2, 2008

Andrew J. Taska
Registration No. 54,666